

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

FILED  
IN CLERKS OFFICE  
2012 AUG -3 P 4: 22

UNITED STATES OF AMERICA )

v. )

1. JOHN KOSTA, )
- a/k/a COSTA MIHALAKAKIS, )
2. FIDENCIA SERRANO-ESQUER, )
- a/k/a "FITO," )
3. NESTOR ANTONIO VERDUZCO, )
- a/k/a "Tony," )
4. DENNIS NOVICKI, )
5. ALEXANDER NAPOLEON, )
6. DONALD McCORMICK, and )
7. TAMARA KOSTA, )
- Defendants. )

**FILED EX PARTE AND UNDER SEAL**

Criminal No.: 12-10226-DJC

DISTRICT COURT  
OF MASS.

**UNITED STATES' EX PARTE MOTION FOR  
POST-INDICTMENT RESTRAINING ORDER**

On August 2, 2012, a federal grand jury sitting in the District of Massachusetts returned a three-count indictment charging the defendants, in various combinations, with conspiracy to possess with intent to distribute and to distribute marijuana in violation of 21 U.S.C. § 846 (Count One); possession with intent to distribute marijuana and aiding and abetting in violation of 21 U.S.C. § 841(a)(1) (Count Two); and conspiracy to commit money laundering in violation of 18 U.S.C. § 1956(h) (Count Three). The indictment also alleges criminal forfeiture of certain assets, pursuant to 21 U.S.C. § 853 and 18 U.S.C. § 982(a)(1).

The United States of America, by its attorney, Carmen M. Ortiz, United States Attorney for the District of Massachusetts, respectfully requests that this Court endorse a post-indictment restraining order against the defendants, their agents, servants, employees, attorneys, family members, all other persons in active concert or participation with them, and all persons in

possession or control of the real properties identified in the Indictment as forfeitable to the United States upon the Defendants' convictions. The proposed restraining order, submitted herewith, would restrain all such persons from alienating, dissipating, transferring, selling, assigning, leasing, pledging, encumbering, disposing of, or completing any action that would affect or diminish the marketability or value of the real properties identified in the indictment as forfeitable, specifically:

- a. seven lots of real property located in Perry, Maine, including all buildings, improvements, and appurtenances thereon, more particularly described in a deed recorded at Volume 3387, Pages 145-149, at the Washington County Registry of Deeds;
- b. the real property located at 45 Riley Switch Road, Phillipston, Massachusetts, including all buildings, improvements, and appurtenances thereon, more particularly described in a deed recorded at Book 35664, Pages 42-43, at the Worcester District Registry of Deeds;
- c. the real property located at 100 Summit Street, Orange, Massachusetts, including all buildings, improvements, and appurtenances thereon, more particularly described in a deed recorded at Book 5945, Pages 129-130, at the Franklin District Registry of Deeds;
- d. the real property located at 325 Water Street, Fitchburg, Massachusetts, including all buildings, improvements, and appurtenances thereon, more particularly described in a deed recorded at Book 7388, Pages 187-190, at the Worcester Northern District Registry of Deeds; and
- e. the real property located at 339-341 Water Street, Fitchburg, Massachusetts, including all buildings, improvements, and appurtenances thereon, more particularly described in a deed recorded at Book 7388, Pages 187-190, at the Worcester Northern District Registry of Deeds,

(collectively, the "Real Properties") without prior approval of this Court upon notice to the United States, and an opportunity for the United States to be heard. As set forth in the memorandum of law submitted herewith, the United States is entitled to a restraining order to preserve the *status quo* and to secure the continued availability of the Real Properties for forfeiture upon the defendants' convictions.

WHEREFORE, for these reasons and those reasons set forth in the United States' Memorandum of Law in Support of its *Ex Parte* Motion for Post-Indictment Restraining Order, the United States requests that this Court enter a restraining order in the form submitted herewith.

Respectfully submitted,

CARMEN M. ORTIZ  
United States Attorney

By:



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Dated: August 3, 2012